

Notice of Allowability

Application No.

10/048,204

Examiner

Hung T. Nguyen

Applicant(s)

BRILMAN, AREND JAN

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/13/05, 4/12/05 & 5/10/05.
2. ☒ The allowed claim(s) is/are 1-13.
3. ☒ The drawings filed on 26 May 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☒ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>4/12/05 & 5/10/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

1. A Notice of Appeal filed on Jan. 13, 2005 have been considered in the following:

EXAMINER'S AMENDMENT

2. On April 12, 2005, Mr. Attorney Zuschlag, Steven authorized the Patent Office to charge two months fee amount \$450.00 to account number # 08-2461.

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Zuschlag, Steven on April 12, 2005 & May 10, 2005.

4. The application has been amended as follows:

In the Abstract: Applicant will submit a new separate sheet of abstract as a substitute of the front page of PCT WO 02/09057.

05/26/2005 MNCGEE1 00000001 10048204 31;
01 FC:1252 450.00 DA

In the Claims:

Claim 1, line 2, delete "individuals, in particular" before "lying";

Art Unit: 2636

Claim 1, line 5, delete “preferably” before “wireless”;

Claim 3, line 2, delete “preferably” and insert --or-- before “a number”;

Claim 5, line 4, delete “individuals, in particular” before “relatively”;

Claim 5, line 11, after “the receiver” and insert --, wherein said receiver records said signal to create a movement history of the individual--;

Claim 8, line 3, delete “, at any rate the at least one part of the body”;

Claim 10, line 3, after “patterns” delete “,” and insert --and --;

Claim 11, line 2, delete “preferably”;

Claim 12, line 2, delete “such as”;

Claim 13, line 3, after “registration means” delete “for, for instance, audio signals”;

Claim 13, line 4, delete “preferable” before “the sensor”;

Claim 14 is cancelled.

Allowable Subject Matter

5. Claims 1-13 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter:

The combination of references of record Teodorescu et al (U.S. 6,011,477) and Dodakian (U.S. 5,295,490) fail to overcome the claimed registering movement patterns of lying positions of young children including attaching a sensor part to or onto a body part of an individual, the sensor part containing at least one movement sensor and transmitting means for wireless transfer of a signal between the at least one movement sensor and a

Art Unit: 2636

receiver, recording the signal to create a movement history of the individual and generating an information signal.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

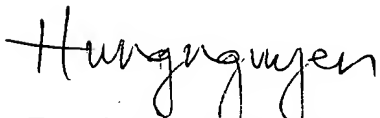
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffery can be reached on (571) 272-2981. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

**HUNG NGUYEN
PRIMARY EXAMINER**



Examiner: Hung T. Nguyen

Date: May 26, 2005